

**REMARKS**

This Amendment responds to the Official Action issued on July 2, 2004. Enclosed herewith is a Petition requesting a two-month extension of time for resetting the deadline for responding to the Office Action from October 2, 2004 to and including December 2, 2004. Claims 1-44 are pending in the application, and claims 5, 7-13 and 20-43 have been withdrawn.

**I. Claim Objections**

The Examiner has objected to claims 1, 14 and 16, due to several informalities. Applicants have amended the phrase "an electrical" on line 20 of claim 1, to recite "the electrical." Applicants have amended the phrase "said entirety" on line 12 of Claim 14 to recite "an entirety." Applicants have also amended the phrase "surfaces" on line 14 of claim 16 to recite "surface."

The Examiner has also objected to the specification. In accordance with the Examiner's suggestion, Applicants have amended the specification to recite that Application No. 09/688,397 "issued as U.S. Patent No. 6,338,982." Applicants contend that the objections to these claims have been overcome by the aforementioned amendments.

**II. § 102 Rejections to Claims 1,3,4,6,14-16 and 19**

The Examiner has rejected claims 1,3,4,6,14-16 and 19 under 35 U.S.C. § 102(b). The Examiner contends that U.S. Patent No. 3,828,215 ("Bilsback") anticipates each of these claims. As will be discussed in further detail herein, Applicants respectfully disagree with the Examiner's interpretation of Bisback and contends that Bilsback fails to teach several elements of the Applicants' claimed invention.

**A. Bilsback does not teach or suggest that the frame holds the sheet taut.**

Claims 1, 3, 4, 6, 14-16 and 19 all recite that the "frame holds [the] sheet taut." The plain and ordinary meaning of "taut" is "having no give or slack: tightly drawn . . . not

loose or flabby." Merriam Webster's Dictionary (10th ed.). Applicants contend that Bilback does not teach or suggest that the frame holds the sheet taut. Rather, Bilback teaches that the flexible sheet 16 is simply "bonded to the forward side of the component board 17 by any one of many known techniques." Col. 4, lns. 52-54. Furthermore, once the flexible sheet 16 is attached to the frame, the tabs 62 of the flexible sheet 16 are capable of being pulled forward so as to receive the gas panel 12. Col. 5, lns. 17-20. Because the tabs 62 of the flexible sheet 16 maintain their flexibility after being mounted to the frame, the frame does not hold the sheet "taut." Thus, Bilback does not teach or suggest Applicants' claimed invention.

**B. Bilback does not teach or suggest that a "main region" of the flexible sheet extends across the aperture of the main region.**

Claims 1, 3, 4, and 6 contain the additional limitation that the "main region of [the] sheet extend[s] across [the] aperture . . . ." See also Fig. 1. The Examiner contends that the "main region" of Bilback is the "bottom portion" of sheet 16 in Figure 2, and that it extends across the aperture. However, Applicants contend that the flexible sheet of Bilback does not extend across the aperture of the frame, as disclosed by Applicants' invention.

The plain and ordinary meaning of "across" is "in a position reaching from one side to the other . . . to or on the opposite side." Merriam-Webster's Collegiate Dictionary, (10th ed.). Applicants' claimed invention contemplates that the "main region" extends from one side of the frame to the other side so as to cover the entire aperture area. See also Fig. 1. Bilback does not teach the main region extending from one end of the frame to the other end of the frame because the flexible film of Bilback requires an aperture or opening in the film to allow the insertion of a gas panel. See. Col. 4, lns. 13-26. Thus, there is no reason for the *Bilback* film to be "extending

across [the] aperture," of the frame as recited by Applicants' claims. Accordingly, *Bilsback* does not teach or suggest Applicants' claimed invention.

**C. *Bilsback* does not teach an article containing a "fillet."**

The Examiner has also rejected claim 16 on the basis that *Bilsback* teaches a "fillet joining [the] first exterior surface of [the] sheet and [the] inner edge surface." The Examiner argues that "fillet" is broadly read as the sealing material 47 of *Bilsback*. Applicants contend that the Examiner's argument is misplaced. Although fillet is not expressly defined in the specification, the drawing Figures 2A and 2B clearly disclose a fillet as a rounded edge. Furthermore, the specification discloses that the "[a]dhesive layer 60 extends inwardly beyond the inner edge wall 32 and forms a fillet 62." Due to its shape, the fillet can also "facilitate drainage of processing fluids [formed during processing operations] from the region enclosed by the frame." See Para. 52 and 78. This definition is consistent with Merriam Webster's Collegiate Dictionary (10th ed.) which defines "fillet" as "a strip that gives a rounded appearance to such a junction; also: a strip to reinforce the corner where two surfaces meet." Accordingly, Applicants' assert that the Examiner's broad interpretation of "fillet" as a sealing material is improper.

**III. § 103 Rejections**

The Examiner has rejected dependent claims 2, and 17-18 as being obvious over *Bilsback*, in view of U.S. Patent No. 5,528,826 ("*Bondreau*"). As discussed above, Applicants contend that *Bilsback* does not teach or suggest the limitations of Applicants' claimed invention. Applicants therefore contend that *Bilsback* cannot be relied upon to form the basis of an

obviousness rejection. Accordingly, the Examiner's § 103 rejections are considered moot.

#### IV. Newly Added Claim 44

Applicants have added new claim 44. Claim 44 contains all of the elements of claim 1, as well as the additional recitations that the sheet is a "substantially continuous flexible sheet," and that the "main region of said substantially continuous flexible sheet extend[s] from a first point on said aperture to a second point on an opposite side of said aperture." Applicants contend that there is support for the newly added claims and that no new matter is added. See, e.g. FIGS. 1-2.

Applicants contend that there is support in the specification for this claim and that no new matter has been added. See Para. 51. Furthermore, for the reasons discussed above, Applicants contend that this claim is distinguishable from the prior art, and is therefore in condition for allowance.

#### V. Conclusion

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 10/032,886

Docket No.: TESSERA 3.0-143 DIV DIV

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: December 2, 2004

Respectfully submitted,

By April M. Mayo  
April M. Mayo

Registration No.: 54,298  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicants

523780\_1.DOC